

Customer No.: 31561
Application No.: 10/709,848
Docket No.: 12877-US-PA

canceled in line with the proposed amendment. Care has been exercised to avoid the introduction of new matter, and adequate descriptive support for the present amendment should be apparent throughout the originally-filed disclosure. Thus, reconsideration of this application in view of the foregoing amendments and the following remarks are fervently requested. On the other hand, Applicant respectfully submits that the prior art rejections addressed in the outstanding non-final Office action should be rendered moot for at least the reasons set forth below.

Discussion of Claim Rejections

Claim 35 has been rejected under 35 U.S.C. Section 102(e) as being anticipated by Kumagai, while claims 45 and 46 have also been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Kumagai

After entry of the aforesaid amendments, the prior art rejection of claim 35 presently incorporating the allowable subject matter originally recited in claim 36 ought to be rendered moot, and thus claim 35 is submitted to be placed in *prima facie* condition for allowance.

If independent claim 35 is allowable and non-obvious over the prior art of record, then its dependent claims 45-46 are allowable and non-obvious as a matter of law, because these dependent claims contain all features and elements of their independent claim 35. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

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Allowable Subject Matter

Claims 24-34 have been allowed.

Claims 36-44 are deemed allowable but are objected to as being dependent upon a rejected base claim.

Responsive thereto, Applicant submits that claim 36 has been canceled, whereas the allowable subject matter contained therein has been incorporated into its independent claim 35. Claims 37, 41, and 43-44 are correspondingly revised to accommodate the change of their dependency from claim 36 to claim 35, while claims 38-40 and 42-44 stay unchanged from their original allowable form. Since now claims 37-44 depend on the allowable base claim 35, the allowability of these claims should remain.

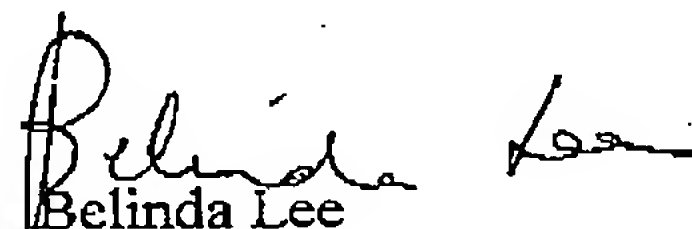
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CONCLUSION

For at least the foregoing reasons, it is believed that the pending claims 24-35 and 37-46 are in proper condition for allowance and an action to such effect is earnestly solicited. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

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Respectfully submitted,


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